

REMARKS

In the Office Action mailed February 9, 2005, the Examiner confirmed the withdrawal of claims 1-4 and 15-20 in response to the prior restriction requirement. The Examiner then rejected claim 7 (claim 1 presumably recited in error) under 35 U.S.C. §112 based upon an alleged insufficient antecedent basis for the term “the sloped surface” at line 7 on page 12. Further, the Examiner rejected claims 5-8 and 12-14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,395,674 to Schmidt. Finally, the Examiner also rejected claims 9-11 under 35 U.S.C. §103(a) as being unpatentable over Schmidt.

The Examiner principally relies upon Figure 8 of the Schmidt reference to support the above rejections. In discussing Figure 8, Schmidt states the following:

In use, external forces applied to the resilient wall 103 forming chamber 104, as by engagement with the vaginal wall of the user's partner, as suggested by the arrow 114, would cause chamber 104 to collapse, forcing air or other suitable entrained fluid through passageway 108 into chamber 106. The increase in fluid pressure in chamber 106 would tend to expand the outer wall, as depicted by the dashed lines 107, and would simultaneously cause the inner wall 112 to expand inwardly, as depicted by dashed lines 113. The resulting localized pressure of the multitude of small chambers upon the penis of the user will result in an unusual sensory experience. Similarly, the outward expansion of the cell wall 107 may likewise result in an additional sensory input to the partner, particularly if the cell 106 is positioned at the upper shank location on the penis so that it engages the partner's clitoral sensory region as the organ is thrust into the vagina.

See Schmidt, Col. 4, line 56 – Col. 5, line 5.

More specifically, in the Office Action, the Examiner asserted that the “increased pressure in the small chamber [106] force the outer wall of the chamber to expand as depicted by dashed line 107, thereby, creating an apex formed by short slopes and long slopes.” Schmidt, however, is silent concerning the resting state of the small chamber 106. Indeed, Schmidt does

not teach, describe or even suggest that the chamber 106, when at rest, may fashion in a manner similar to that of Applicant's protrusions. Rather, it is only during use that the expansion of the chamber 106 (as shown at 107) might possibly result in the arrangement discussed by the Examiner.

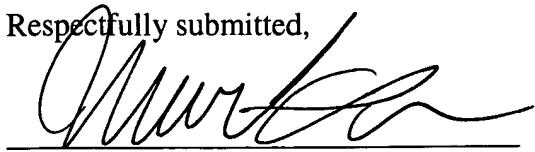
In the present amendment, Applicant has added new independent claims 21 and 22. In claim 21, the condom includes a protrusion that holds a filler material and is formed such that, when at rest, the protrusion is naturally sloped towards the open end of the condom. In claim 22, the protrusion includes a pair of ends with one end formed such that, when at rest, one end is sloped towards the open end of the condom and the opposite end is sloped towards the closed end of the condom.

The Schmidt reference does not teach or discuss the use of these formed, sloped protrusions or the utility of using those protrusions (with or without filler) to create increased resistance during use.

Finally, Applicant notes that the present filing includes various amendments to the specification. These amendments are merely intended to correct obvious issues related to grammar and spelling. No new material has been added.

Accordingly, in view of the above Applicant submits that the application is now in proper form for allowance. Such action is respectfully requested.

Respectfully submitted,



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